

1 Bruce G. MacIntyre, *Pro hac vice*, WA Bar No. 18984
2 BMacIntyre@perkinscoie.com
2 **Perkins Coie LLP**
3 1201 Third Avenue, Suite 4800
3 Seattle, WA 98101-3099
4 Telephone: 206.359.8000
4 Facsimile: 206.359.9000

5 Ed Wes, CA Bar No. 180252
6 EWes@perkinscoie.com
6 **Perkins Coie LLP**
7 101 Jefferson Drive
7 Menlo Park, CA 94025-1114
8 Telephone: 650.838.4300
8 Facsimile: 650.838.4350

9 Attorneys for the Post-Effective Date Estate of
9 Tripath Technology, Inc.

10 UNITED STATES BANKRUPTCY COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN JOSE DIVISION

14 In re

CASE NO. 07-50358 (MM)

15 TRIPATH TECHNOLOGY, INC.,

Chapter 11

16 Debtor.

[No hearing required unless requested pursuant to
Bankruptcy Local Rule 9014-1(b)(3)]

17 **NOTICE AND OPPORTUNITY FOR HEARING REGARDING
18 DEBTOR'S MOTION FOR APPROVAL OF COMPROMISE AND SETTLEMENT
18 PURSUANT TO BANKRUPTCY RULE 9019 (Kord Enterprises)**

19 PLEASE TAKE NOTICE that the Post-Effective Date Estate of Tripath Technology,
20 Inc., ("Tripath" or the "Estate"), has filed a Motion For Approval of Compromise and Settlement
21 Pursuant To Bankruptcy Rule 9019 (the "Motion") resolving the claim ("Claim No. 36") against
22 the Estate filed by the Kord Enterprises ("Kord") in the amount of \$9,061.95 (the "Settlement
23 Amount"). Under the proposed settlement, Kord will withdraw Claim No. 36 and refund Tripath
24 the amount of \$4,500 from the security deposit; Tripath will dismiss the adversary proceeding
25 against Kord, No. 08-05065; and Kord and Tripath waive and relinquish all other claims and
26 causes of action against each other, effective upon Tripath's receipt of the Settlement Amount.

27 PLEASE TAKE FURTHER NOTICE that a complete copy of the Motion is on file with

1 the Court and can be obtained from the Clerk of the Court, the Court's ECF/PACER website, or
2 by making a written request to Perkins Coie, whose contact information appears above.

3 PLEASE TAKE FURTHER NOTICE that Rule 9014-1 of the Local Rules of the United
4 States Bankruptcy Court for the Northern District of California prescribes the procedures to be
5 followed for objecting to the Motion. If you object to the Motion, you must follow the
6 procedures outlined in Local Rule 9014-1:

7 (a) Within 20 days of the date of this Notice, you must file¹ with the Clerk of the
8 United States Bankruptcy Court, Room 3035, 280 South First Street, San Jose, California 95113,
9 an objection to the Motion and/or a request for hearing on the Motion, together with any
10 declarations and memoranda of law you wish to present in support of your position, and serve
11 such documents on counsel for the Estate: Bruce G. MacIntyre, Esq., Perkins Coie LLP, 1201
12 Third Avenue, Suite 4800, Seattle, WA 98101-3099. Copies of the documents must also be
13 served on the United States Trustee, Attn: John Wesolowski, 280 South First Street, Room 268,
14 San Jose, California 95113, and on all other parties requesting special notice in this case.

15 (b) If no timely objection or request for hearing is filed and served, the Court may
16 enter an order granting by default the relief requested in the Motion.

17 (c) If an objection or a request for hearing is timely filed and served, the Estate will
18 obtain the date and time of hearing and will give at least 10 days written notice of the hearing to the
19 objecting party. If the objection raises issues of fact, the first scheduled hearing will be a status
20 conference at which the Bankruptcy court may rule on any matters of law presented by the parties.

21 DATED: March 25, 2009

22 /s/ Bruce G. MacIntyre
23 Bruce G. MacIntyre, WA Bar No. 18984
24 BMacIntyre@perkinscoie.com
Perkins Coie LLP
25 1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
26 *Pro hac vice*

27 Ed Wes, CA Bar No. 180252
EWes@perkinscoie.com
Perkins Coie LLP
101 Jefferson Drive
Menlo Park, CA 94025-1114
Telephone: 650.838.4300
Facsimile: 650.838.4350

28 Attorneys for the Post-Effective Date Estate of
Tripath Technology, Inc.

1 Any party requesting a hearing on the Motion should be aware of the Court's electronic filing procedures.